

IC 34-25.5-6

Chapter 6. Emergency Warrant

IC 34-25.5-6-1

Warrant for appearance of illegally held person

Sec. 1. Whenever it appears by affidavit that a person is illegally held in custody or restraint and there is good reason to believe that the applicant:

- (1) will be carried out of the jurisdiction of the court or judge before whom the application is made; or
- (2) will suffer some irreparable injury before compliance with the writ can be enforced;

the court or judge may cause a warrant to be issued, reciting the facts and directed to the sheriff or any constable of the county, commanding the sheriff or constable to take the restrained person and immediately bring the person before the court or judge, to be dealt with according to law.

As added by P.L.1-1998, SEC.21.

IC 34-25.5-6-2

Apprehension of persons charged with illegal restraint

Sec. 2. The court or judge may also, if considered necessary, insert in the warrant a command for the apprehension of the person charged with causing the illegal restraint.

As added by P.L.1-1998, SEC.21.

IC 34-25.5-6-3

Execution of warrant

Sec. 3. The officer shall execute the warrant by bringing the person named in the warrant before the court or judge, and the same return and proceedings shall be required as in case of writs of habeas corpus.

As added by P.L.1-1998, SEC.21.

IC 34-25.5-6-4

Issuance and service of writ on Sunday; temporary orders; changing custody of restrained person

Sec. 4. (a) Any writ or process authorized by this article may be issued and served on Sunday in cases of emergency.

(b) The court or judge may make any temporary orders in the cause or disposition of the party, during the progress of the proceedings, that justice may require. The custody of any party restrained may be changed from one (1) person to another by order of the court or judge.

As added by P.L.1-1998, SEC.21.